

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 2005-10667GAO

JUDITH FESTA and *
ALFRED FESTA *
v. *

SIMON PROPERTY GROUP, LP *

PLAINTIFFS' MOTION TO ENLARGE TIME

Now comes the plaintiff in the above referenced matter and respectfully moves this Honorable Court for leave to modify the discovery deadline on this case from December 31, 2005 until February 28, 2006. As grounds therefore plaintiff states as follows.

- (1) Plaintiff seeks to take one additional deposition on this case.
- (2) The identity of the individual to be deposed was discovered at a discovery deposition of a Rule 30(b)(6) designee of the defendant. That discovery deposition went forward on January 18, 2006.
- (3) At that discovery deposition, which had been scheduled to go forward on December 9, 2005 but was continued because of a snowstorm, the identity of the additional deponent was obtained.
- (4) That it is anticipated that the discovery deposition that plaintiff wishes to take can be conducted prior to February 28, 2006 and will take approximately one hour.

(5) Allowance of this motion will not affect any of the other deadlines per this Court Order.

Dated: February 7, 2006

The Plaintiffs, Judith Festa and
Alfred Festa,
By their attorney,
Joseph G. Abromovitz, P.C.

s/Joseph G. Abromovitz

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CERTIFICATE OF SERVICE

I, Joseph G. Abromovitz, hereby certify that on the 7th day of February, 2006, I served a copy of this document by first class mail, postage prepaid to the following counsel of record:

Sean J. Milano, Esquire
Morrison Mahoney, LLP
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Boston, MA 02210

s/Joseph G. Abromovitz

Joseph G. Abromovitz